



THE UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT *of* NEW YORK

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Department of Justice

U.S. Attorney's Office

Southern District of New York

FOR IMMEDIATE RELEASE

Monday, August 4, 2014

**Manhattan U.S. Attorney Finds Pattern And Practice Of
Excessive Force And Violence At NYC Jails On Rikers
Island That Violates The Constitutional Rights Of
Adolescent Male Inmates**

Eric Holder, the United States Attorney General, and Preet Bharara, the United States Attorney for the Southern District of New York, announced today the completion of a multi-year civil investigation pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA") into the conditions of confinement of adolescent male inmates on Rikers Island. The investigation, which focused on use of force by staff, inmate-on-inmate violence, and use of punitive segregation during the period 2011-2013, concluded that there is a pattern and practice of conduct at Rikers Island that violates the rights of adolescents protected by the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment of the United States Constitution. The investigation found that adolescent inmates are not adequately protected from physical harm due to the rampant use of unnecessary and excessive force by New York City Department of Correction ("DOC") staff and violence inflicted by other inmates. In addition, the investigation found that DOC relies too heavily on punitive segregation as a disciplinary measure, placing adolescent inmates in what amounts to solitary confinement at an alarming rate and for excessive periods of time. Many of the adolescent inmates are particularly vulnerable because they suffer from mental illness.

Attorney General Eric Holder said: "The extremely high rates of violence and excessive use of solitary confinement for adolescent males uncovered by this investigation are inappropriate and unacceptable. The Department of Justice is dedicated to ensuring the effectiveness, safety and integrity of our criminal justice systems. Going forward, we will work with the City of New York to make good on our commitment to reform practices that are unfair and unjust, and to ensure that - in all circumstances, and particularly when it comes to our young people - incarceration is used to deter, punish, and ultimately rehabilitate, not merely to warehouse and forget."

Manhattan U.S. Attorney Preet Bharara said: “As our investigation has shown, for adolescents, Rikers Island is a broken institution. It is a place where brute force is the first impulse rather than the last resort; where verbal insults are repaid with physical injuries; where beatings are routine while accountability is rare; and where a culture of violence endures even while a code of silence prevails. The adolescents in Rikers are walled off from the public, but they are not walled off from the Constitution. Indeed most of these young men are pre-trial detainees who are innocent until proven guilty, but whether they are pre-trial or convicted, they are entitled to be detained safely and in accordance with their Constitutional rights – not consigned to a corrections crucible that seems more inspired by Lord of the Flies than any legitimate philosophy of humane detention. These young men, automatically charged as adults despite their age under New York law, may be on an island and out of sight, but they can no longer remain out of mind. Attention must be paid immediately to their rights, their safety and their mental well-being, and in the wake of this report we will make sure that happens one way or another.”

In its report to the City of New York, made public today, the U.S. Attorney’s Office notes that “a deep-seated culture of violence is pervasive throughout the adolescent facilities at Rikers, and DOC staff routinely utilize force not as a last resort, but instead as a means to control the adolescent population and punish disorderly or disrespectful behavior.”

The following statistics are illustrative:

- In FY 2012, there were 517 reported staff use of force incidents in an average daily adolescent population of 791 in the Robert N. Davoren Center and Eric M. Taylor Center, the two facilities that house the most adolescents. These incidents resulted in 1,059 injuries.
- In FY 2013, there were 565 reported staff use of force incidents in an average daily population at these same two facilities of 682, resulting in 1,057 injuries.
- In FY 2013, there were 845 reported inmate-on-inmate fights involving adolescents in the RNDC and EMTC. This marked an increase from the 795 reported fights in FY 2012.
- During the period April 2012 through April 2013, adolescents sustained a total of 754 visible injuries, according to DOHMH data.
- Adolescents in RNDC and EMTC sustained a total of 96 suspected fractures from September 2011 through August 2012, according to DOHMH data.
- In FY 2013, adolescents were taken to get emergency medical services 459 times.
- In FY 2013, there were 1,118 emergency alarms in the RNDC and EMTC adolescent housing areas, or on average more than three alarms each day.

The report makes the following specific factual determinations:

- Force is used against adolescents at an alarming rate and violent inmate-on-inmate fights and assaults are commonplace, resulting in a striking number of serious injuries, including broken bones and lacerations requiring stitches;
- Correction officers resort to “headshots,” meaning blows to an inmate’s head or facial area, too frequently;
- Force is used as punishment or retribution;
- Force is used in response to inmates’ verbal altercations with officers;
- Use of force by specialized response teams within the jails is particularly brutal;
- Correction officers attempt to justify use of force by yelling “stop resisting” even when the adolescent has been completely subdued or was never resisting in the first place; and

- Use of force is particularly common in areas without video surveillance cameras.

The report further identifies the following systemic deficiencies that are largely responsible for the excessive and unnecessary use of force by DOC staff. Many of these systemic deficiencies also lead to the high levels of inmate-on-inmate violence. These deficiencies include:

- Inadequate reporting by staff of the use of force, including false reporting;
- Inadequate investigations into the use of force;
- Inadequate staff discipline for inappropriate use of force;
- An inadequate classification system for adolescent inmates;
- An inadequate inmate grievance system;
- Inadequate supervision of inmates by staff;
- Inadequate training both on use of force and on managing adolescents; and
- General failures by management to adequately address the extraordinarily high levels of violence perpetrated against and among the adolescent population.

Finally, DOC's use of prolonged punitive segregation for adolescent inmates is excessive and inappropriate. Adolescent inmates, many of whom have mental illnesses, are routinely placed in what amounts to solitary confinement for weeks and sometimes months at a time. On any given day in 2013, 15-25% of the adolescent population were in punitive segregation, often for infractions involving non-violent conduct. According to census data for December 16, 2013, well over half the adolescents in punitive segregation on that day were serving sentences for rule infractions of 60 days or more.

The report also sets forth the following 10 categories of remedial measures necessary to address the Constitutional violations identified:

1. House adolescent inmates separately in a DOC jail not physically located on Rikers Island;
2. Increase the number of cameras in adolescent areas;
3. Revise use of force policy to clarify prohibited conduct;
4. Ensure that staff submit complete, accurate, and prompt use of force reports, and institute a zero-tolerance policy for failing to report;
5. Ensure that use of force incidents are investigated thoroughly and promptly, and hold staff accountable for biased or incomplete reports and investigations;
6. Ensure that inmates are adequately supervised, intervene to de-escalate fights, and transfer vulnerable or otherwise at risk inmates to alternative housing units;
7. Improve officer training programs on use of force, conflict resolution, reporting use of force, and handling of the adolescent population;
8. Ensure that staff are held accountable and disciplined for the use of excessive and unnecessary force;
9. Develop alternative disciplinary strategies that do not involve lengthy isolation, and prohibit the placement of adolescents with mental health disorders in solitary confinement;

10. Develop and implement a strategic plan to create an institutional culture that does not tolerate violence and holds staff accountable for excessive or unnecessary use of force.

This Office looks forward to engaging in discussions with the City to make system-wide changes that will safeguard the Constitutional rights of adolescents, and prevent them from continuing to suffer unnecessary harm while in City custody.

Mr. Bharara thanked the Board of Correction for the assistance it provided in connection with the Office's investigation.

This case is being handled by the Office's Civil Rights Unit. Assistant U.S. Attorneys Emily E. Daughtry and Jeffrey K. Powell are in charge of the case.

SDNY Rikers Report

14-225

USAO - New York, Southern

Updated May 18, 2015